

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FITZDAINE GORDON,	:
Petitioner	:
v.	: Civil Action No. 04-316J
JOHN YOST, WARDEN,	:
F.C.I. LORETTO,	:
Respondent	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 20, 2006, docket no. 7, recommending that the petition be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed objections, docket no. 8, which I have reviewed de novo but reject.

After de novo review of the record of this matter and the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of August, 2006, it is

ORDERED that the petitioner's petition is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written with a large, stylized "K". The last name "Gibson" is written with a large, stylized "G".

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

Fitzdaine Gordon #21150-018
F.C.I. Loretto
P.O. Box 1000
Loretto, PA 15940

Christy C. Wiegand, Esquire
United States Attorney's Office, Suite 4000
United States Post Office and Courthouse
Pittsburgh, PA 15219